

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARK MONDRAGON, o/b/o
D.M., a minor child
Plaintiff,

-vs-

NO. 1:21-CV-00427 MV/KRS

RIO RANCHO PUBLIC SCHOOLS,
BOARD OF EDUCATION and
GEORGE ARCHULETA in his
Individual and official
capacity,
Defendants.

VIDEOTAPED DEPOSITION OF D [REDACTED] M [REDACTED]
May 9, 2022
10:00 a.m.
500 4th Street, Suite 105
Albuquerque, New Mexico 87102

PURSUANT TO THE NEW MEXICO RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: JERRY A. WALZ
ATTORNEY FOR DEFENDANTS

REPORTED BY: PAUL BACA, CCR #112
PAUL BACA COURT REPORTERS
500 4th Street NW, Suite 105
Albuquerque, New Mexico 87102

EXHIBIT J

Page 6

1 therapy records there are additional questions you
 2 would like to ask in deposition, we will facilitate
 3 that.
 4 MR. WALZ: And Mr. Quinones?
 5 MR. QUINONES: Yes, that's agreeable on
 6 behalf of my client.
 7 MR. WALZ: We appreciate that stipulation.
 8 Also as a matter of housekeeping I raised with
 9 Mr. Bullion this morning I have also informed
 10 Mr. Quinones that based on a recent conflict that
 11 occurred in my schedule based on various coverage
 12 matters, I cannot go forward with the deposition
 13 schedule for tomorrow. And I have proposed that it
 14 be vacated, put everybody on notice now and then
 15 reschedule as quickly as we can after conferring
 16 with everybody's calendars. So having said that,
 17 Mr. Bullion, is that permissible to you?
 18 MR. BULLION: Yeah. That's fine. I'll
 19 just need to speak to my clients and figure out when
 20 they're available but we'll work to get that
 21 rescheduled as soon as possible.
 22 MR. WALZ: Thank you very much.
 23 Mr. Quinones?
 24 MR. QUINONES: Yes, that is fine, Counsel.
 25 I want to clarify as far as the deposition notice

Page 8

1 A. No. It's just like a lot, a lot of
 2 pressure right now, like a lot.
 3 **Q. Okay. Let me just go over a few things**
 4 **perhaps to take the pressure off, all right?**
 5 A. All right.
 6 **Q. I'm not here and I don't think**
 7 **Mr. Quinones is here to argue with you, to try to**
 8 **paint you in a bad light or to demean you in any**
 9 **way.**
 10 A. Okay.
 11 **Q. That's how we conduct depositions. We**
 12 **will ask you questions based on the information that**
 13 **we have and we will be professional in our conduct**
 14 **towards you and your parents and Mr. Bullion at all**
 15 **times.**
 16 **Do you understand that?**
 17 A. Yes, sir.
 18 **Q. Now, let me just give you a couple of**
 19 **so-called rules of the deposition. But let me ask**
 20 **you this first. Have you ever been deposed before?**
 21 A. Have I ever been what?
 22 **Q. Deposed before; what we're doing now.**
 23 **Have you ever been put under oath where you are**
 24 **asked questions and you have to give answers?**
 25 A. No. No, sir.

Page 7

1 for Wednesday, May 11, of Lalue Martinez, we are
 2 going forward with that one, correct?
 3 MR. WALZ: That's correct as far as I
 4 understand that. Is that correct, Mr. Bullion, is
 5 that correct we are still going forward with
 6 Wednesday's deposition?
 7 MR. BULLION: Yes, that's the plan.
 8 MR. WALZ: All right. Well, thank you.
 9 (Discussion off the record.)
 10 MR. WALZ: First, I want to acknowledge
 11 the presence of the parents, Mr. and Mrs. Mondragon.
 12 I appreciate their attendance here. So let me go
 13 ahead and get started.
 14 EXAMINATION
 15 BY MR. WALZ:
 16 **Q. We all know who we are based on the**
 17 **introductions today. But there is a formality here**
 18 **to get your attendance noted for the record. Would**
 19 **you please state your full name and include your**
 20 **date of birth.**
 21 **A. My name is D [REDACTED] M [REDACTED]. My date of**
 22 **birth is 8-18-2003.**
 23 **Q. Now, I wouldn't help but notice that**
 24 **you're wiping your eyes and things. Do you have an**
 25 **allergy or --**

Page 9

1 **Q. Okay. Well, let me do a very short**
 2 **explanation. Based on the lawsuit that was filed on**
 3 **your behalf, one of the procedures in the case, it's**
 4 **called deposition practice. Your attorneys will**
 5 **depose various witnesses. Myself and Mr. Quinones**
 6 **will depose the named plaintiffs as well as various**
 7 **witnesses all under oath. Do you understand that?**
 8 A. Yes, sir.
 9 **Q. And being under oath is a very high**
 10 **responsibility; that means that you are sworn to**
 11 **tell the truth. You understand that?**
 12 A. Yes, sir.
 13 **Q. And during the deposition and I'm sure**
 14 **that you have discussed this with your attorneys**
 15 **it's important that you let myself and Mr. Quinones**
 16 **ask our questions or our comments, and then you will**
 17 **be allowed to respond, but we need to do this**
 18 **without interrupting each other. Do you understand**
 19 **that?**
 20 A. Yes, sir.
 21 **Q. In preparation -- and also your testimony**
 22 **under oath is just as if you were testifying in**
 23 **front of a jury or judge, right now. Do you**
 24 **understand that?**
 25 A. Yes, sir.

3 (Pages 6 to 9)

D ██████ M ██████ - May 9, 2022

Examination by Mr. Walz

<p style="text-align: right;">Page 30</p> <p>1 to be sure to make this absolutely 100 percent</p> <p>2 positive and nail it down. You were not at that</p> <p>3 meeting, correct?</p> <p>4 A. No, sir, I was not at the meeting.</p> <p>5 Q. And you have no information firsthand of</p> <p>6 what occurred by any of the participants; is that</p> <p>7 correct?</p> <p>8 A. Yeah.</p> <p>9 MR. WALZ: Excuse me. I've got to look at</p> <p>10 this message.</p> <p>11 Q. (By Mr. Walz) All right. So do you know,</p> <p>12 to move on, do you know approximately when this IEP</p> <p>13 meeting occurred?</p> <p>14 A. Once again, towards the -- towards the</p> <p>15 beginning of the school year.</p> <p>16 Q. And that was the last school year you were</p> <p>17 at Rio Rancho?</p> <p>18 A. Yes. Well, yes.</p> <p>19 Q. Could you please give me the name of the</p> <p>20 principal who was at V. Sue Cleveland during this</p> <p>21 time period?</p> <p>22 A. I think his name is Mr. Labowski.</p> <p>23 Q. Okay. I am going to try to help you a</p> <p>24 little bit on this one and see if it helps your</p> <p>25 memory. I believe the principal is Scott</p>	<p style="text-align: right;">Page 32</p> <p>1 and he just didn't give me no respect at all.</p> <p>2 Q. Okay. Well, let's break this down a</p> <p>3 little bit from what you just said. We've</p> <p>4 established that you never met with him personally</p> <p>5 or had any conversation with him. That is a correct</p> <p>6 statement, correct?</p> <p>7 A. Yes.</p> <p>8 Q. So you don't know from any direct</p> <p>9 interactions with him based on a conversation or at</p> <p>10 any meeting with him how he feels about you or</p> <p>11 anybody else. You don't have any firsthand</p> <p>12 knowledge of that, do you?</p> <p>13 A. No. Not at the moment, no.</p> <p>14 Q. Did you have the opportunity to review his</p> <p>15 testimony from the deposition that Mr. Bullion took</p> <p>16 of him?</p> <p>17 A. No.</p> <p>18 Q. Other than Mr. Affentranger, do you</p> <p>19 remember ever having any meeting, D ██████ with any</p> <p>20 Rio Rancho Public School administrator? We'll just</p> <p>21 go the whole shooting match first of all.</p> <p>22 A. Okay.</p> <p>23 Q. I won't limit it to V. Sue Cleveland High</p> <p>24 School. With any Rio Rancho school administrator</p> <p>25 bringing to their attention any alleged</p>
<p style="text-align: right;">Page 31</p> <p>1 Affentranger.</p> <p>2 A. Affentranger.</p> <p>3 Q. Okay. Who is Mr. Labowski, just so I</p> <p>4 know?</p> <p>5 A. I just thought that was his last name.</p> <p>6 Q. And again, just to be clear on the record,</p> <p>7 have you ever had at any time as a student at V. Sue</p> <p>8 Cleveland a face-to-face conversation or meeting</p> <p>9 with Mr. Affentranger?</p> <p>10 A. No, I -- no. He just doesn't care about</p> <p>11 his students at all.</p> <p>12 Q. I appreciate your commentary but the</p> <p>13 question was, and I think you answered it, have you</p> <p>14 ever had a face-to-face meeting or conversation with</p> <p>15 him?</p> <p>16 A. No. Because he wouldn't care.</p> <p>17 Q. Why do you feel important to try to give</p> <p>18 these kind of editorial comments when I ask you a</p> <p>19 direct question like that?</p> <p>20 A. Just so that you can see my point of view.</p> <p>21 Q. I'm sorry. Go ahead, please.</p> <p>22 A. What I was saying just so you could</p> <p>23 understand my -- my point of view from where I'm</p> <p>24 coming from. Because I actually did try having a</p> <p>25 conversation way before this -- this all happened</p>	<p style="text-align: right;">Page 33</p> <p>1 improprieties with any searches that were conducted</p> <p>2 of you by George Archuleta or any other Rio Rancho</p> <p>3 Public School security personnel?</p> <p>4 A. So let me get the question cleared. So</p> <p>5 you're asking me was there anyone else present while</p> <p>6 I was being searched by George, correct?</p> <p>7 Q. No, that is not the question. I am going</p> <p>8 to ask you that question and I like the fact that</p> <p>9 you anticipated it. Thank you.</p> <p>10 A. Yeah. I just want to make sure I hear you</p> <p>11 clear.</p> <p>12 Q. Yeah. That was good. No, my question was</p> <p>13 more general, D ██████. That did you ever bring any</p> <p>14 complaint or concern to anyone who is an</p> <p>15 administrator at any time, you personally, okay?</p> <p>16 With any administrator within the Rio Rancho Public</p> <p>17 School system while you were a student in the -- at</p> <p>18 the school district?</p> <p>19 A. No, sir.</p> <p>20 Q. Now, and again, this is encompassing that</p> <p>21 last question obviously. That would include any</p> <p>22 administrator, principal, vice principal, counselor,</p> <p>23 at V. Sue Cleveland High School, correct? You never</p> <p>24 complained to anybody there either, did you?</p> <p>25 A. I never complained but one incident where</p>

9 (Pages 30 to 33)

D [REDACTED] M [REDACTED] - May 9, 2022

Examination by Mr. Walz

<p style="text-align: right;">Page 34</p> <p>1 I was getting searched Mr. Baca was present while 2 George was searching me. And I'm going to tell you 3 what I actually said at that time. I actually told 4 George to not touch my dick. And right away 5 Mr. Baca told me to shut up. 6 Q. Okay. And we'll talk about that 7 specifically. 8 A. Okay. 9 Q. Thank you for bringing that up as well. 10 A. Yes, sir. 11 Q. I am trying to ask you questions relating 12 to what conversations or notice that you may have 13 given to Rio Rancho -- 14 A. I have -- I had no conversation. That was 15 the only interaction I had with another school 16 administrator was at that time. I did not have a 17 conversation about George at the school personally. 18 Q. Okay. Well, thank you. That will help 19 speed things up a bit. And I think it goes without 20 asking, but I got to ask you anyway for 21 clarification of the record. 22 You never took any concerns of any type 23 yourself to the Board of Education of the Rio Rancho 24 Public Schools, did you? 25 A. No, sir.</p>	<p style="text-align: right;">Page 36</p> <p>1 grade? 2 A. I went from Harper Elementary to 3 New Mexico to Vista Grande Elementary. 4 Q. And is Vista Grande in the Rio Rancho 5 Public School system? 6 A. Yes. It's located in Enchanted Hills. 7 Q. How did you do, D [REDACTED] at Vista Grande? 8 A. I did good. 9 Q. Okay. Then Vista Grande went through what 10 grade? 11 A. Third to fifth. 12 Q. And then where did you go at sixth grade? 13 A. Sixth grade I went to Mountainview Middle 14 School. 15 Q. How did you do in Mountainview? 16 A. I did good. 17 Q. And by "did good" what do you mean? 18 Grade-wise, just socialization, getting along with 19 everybody? 20 A. Yeah. Everything. I did good. 21 Q. Okay. And then where did you go after 22 Mountain View Middle School? 23 A. I went to Cleveland. 24 Q. Okay. So you started V. Sue Cleveland as 25 a freshman?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Do you know if anyone prior to this 2 lawsuit, prior to the lawsuit which was filed on 3 March 15, 2021, took any concerns about illegal 4 searches of you or other students to the Rio Rancho 5 Public Schools Board of Education? 6 A. I'm sorry, can you please repeat. 7 Q. Yeah, I'll be glad to. 8 A. Yeah. 9 Q. Do you know if anybody, anyone, on your 10 behalf -- 11 A. No. 12 Q. Okay. 13 A. Yeah. No. 14 Q. Do you remember the rest of the question? 15 A. Yeah, I do. No. No, sir. 16 Q. Okay. So nobody reported it to the Board 17 of Education? 18 A. No, sir. No, sir. 19 Q. All right. Thanks. Now, let's walk a 20 little bit through your educational -- educational 21 history. So you started school what? In Colorado? 22 A. Yeah. 23 Q. Up through what grade? 24 A. Up to third grade. 25 Q. And then where did you go from third</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Yes, sir. 2 Q. And by the way, do you know the other 3 plaintiffs at all who filed very similar claims to 4 the ones that you filed and lawsuits? 5 A. No. 6 Q. Do you know them? Did do you know Joseph 7 Salazar? 8 A. Oh, Joseph Salazar and Laius Martinez. 9 Yeah. Yes, I do. 10 Q. Have the three of you ever gotten together 11 to talk about your lawsuits? 12 A. No. 13 Q. Never? 14 A. No. 15 Q. Didn't compare notes or anything like 16 that? 17 A. No. No notes or no nothing. 18 Q. Okay. Do you know -- and again, I don't 19 want anything from your attorney, what you told your 20 attorney -- but do you know how all three of you 21 plaintiffs ended up with the same law firm? 22 A. Because -- because once -- once I first 23 filed for this case I actually recommended Todd and 24 Jason to Laius and Joseph Salazar. 25 Q. Okay. So -- and thank you for the</p>

10 (Pages 34 to 37)

D ■■■■■ M ■■■■■ - May 9, 2022
Examination by Mr. Walz

Page 42

1 set to get the appropriate ones. So I'm not going
2 to give him the whole packet. I will give him the
3 specific one. I have handed him Interrogatory
4 Number 2 with the answers typed to it.
5 MR. WALZ: Thank you, Todd.
6 **Q (By Mr. Walz) D ■■■■■, you supplied the**
7 **information in this answer to Interrogatory**
8 **Number 2, is that right?**
9 A. Yes, sir.
10 **Q. And in that interrogatory I asked you the**
11 **question, "Please set forth all facts or information**
12 **to support the allegation that you were groped**
13 **and/or improperly searched by George Archuleta**
14 **including when each event occurred, where at V. Sue**
15 **High School or school grounds that each event took**
16 **place, and who witnessed each event."**
17 **You see that, right?**
18 A. Yes.
19 **Q. Okay. So the first thing I want to do**
20 **regarding this interrogatory is you talked -- and**
21 **we'll go over the specifics and I am sure**
22 **Mr. Quinones will ask you detailed questions about**
23 **this. I just want to cover a few things.**
24 **The first search according to your answer**
25 **occurred in the later part of ninth grade?**

Page 43

1 A. Yes. Can I actually stop you there? So
2 when I actually went over this last night, whoever
3 typed this actually got the stories mixed up.
4 **Q. Well, that is why we go over those, right?**
5 A. Yes.
6 **Q. How did the story -- what's mixed up**
7 **there?**
8 A. So -- so -- so the later part of ninth
9 grade when George escorted me to the private office
10 on the second floor in the sophomore office,
11 George -- George actually took me to the office with
12 no school teacher around.
13 And then he started searching me, he
14 started searching my bag and then he started
15 searching my body. And as soon as I emptied my
16 pockets for him he started feeling around my thighs
17 and my buttocks. And he actually touched -- he
18 actually touched the tip of my penis and made a
19 swirly motion and asking me, "What's this?"
20 **Q. Okay. We can get into the specifics of**
21 **the search and I am sure you will with Mr. Quinones.**
22 **I'm trying to just establish right now, give you a**
23 **little roadmap, D ■■■■■ as to how many searches**
24 **actually occurred and --**
25 A. Four.

Page 44

1 **Q. Did you say four?**
2 **A. Yes, sir. Four.**
3 **Q. And I want to establish what years those**
4 **occurred and who was present. So we can cover that**
5 **first and we can maybe then get into some further**
6 **details.**
7 A. Okay.
8 **Q. But the first search it says the latter**
9 **part of ninth grade. Is that still correct?**
10 A. Yes, sir.
11 **Q. It says that you were escorted to a**
12 **private office on the second floor in the sophomore**
13 **office. I don't know what "sophomore office" means.**
14 **What does that mean?**
15 A. It's -- it's for the grade -- it's like
16 the office for your grade. So let's just say if you
17 are a freshman you would have to go see the freshman
18 principal. If you're a sophomore you would have to
19 go see the sophomore principal. That's like the
20 office.
21 **Q. Okay. Very good. Let me ask you this.**
22 **What was going on before Mr. Archuleta escorted you**
23 **to that private office? Were you at the bus stop?**
24 **Were you in the hallway?**
25 A. I was actually -- I was actually in the

Page 45

1 bathroom fighting my friend Joseph Salazar because
2 that morning we had just -- we had just gotten each
3 other mad.
4 So we were roughhousing in the bathroom.
5 And Joe got lucky, he hit me in the eye, he gave me
6 black eye. And that's when George walks in and
7 notices my eye.
8 **Q. Okay. You just used two different words,**
9 **roughhousing and fighting. To me there is a**
10 **distinction having been in a few fights in my life.**
11 **Were you roughhousing or were you fooling around in**
12 **a way with your friend or were you actually**
13 **fighting?**
14 A. Actually fighting.
15 **Q. And what was the fight over?**
16 A. Just it's -- it's just early in the
17 morning, both of us were just tired, you know. We
18 just -- me and him used to hang out every day so we
19 would annoy each other sometimes. So it's like
20 that.
21 **Q. Okay. Did you know it was against school**
22 **policy to engage in fighting on school -- on school**
23 **grounds?**
24 A. I think that is against anywhere. I think
25 that is for anywhere.

12 (Pages 42 to 45)

D [REDACTED] M [REDACTED] - May 9, 2022

Examination by Mr. Walz

Page 50

1 the sequencing right. The fight had occurred, you
 2 are looking at your black eye in the mirror when he
 3 walked in?
 4 A. Yeah.
 5 Q. Did he, in your opinion -- and this is
 6 your opinion -- present himself in a professional
 7 manner as a security guard when he encountered you
 8 and Joseph Salazar?
 9 A. No, sir.
 10 Q. Why do you say no?
 11 A. Just -- just the way how -- how he talked
 12 to me and Joe. Like he would -- he would just
 13 always talk to us like if me and Joe are -- are
 14 lowlifes, like we have nothing good for us at all.
 15 Q. Okay. Let me be very clear here, okay?
 16 Did he call you and Joseph lowlifes or is that just
 17 what you --
 18 A. Just --
 19 Q. Let me finish. Or is that just what you
 20 believed as to how he was treating the two of you?
 21 A. Yes, sir. Yeah. Yes, sir.
 22 Q. But he did not call you a lowlife, did he?
 23 A. No.
 24 Q. Nor did he call Joseph Salazar a lowlife?
 25 A. I do not know on that part, no.

Page 51

1 Q. Okay. And did he use any foul language
 2 against either you or Joseph Salazar?
 3 A. No. But around the times when George
 4 would look at me in the hallways, he would always
 5 call me "hito" like just in a weird way. It was
 6 weirding me out.
 7 Q. And D [REDACTED], we'll get into that and I'm
 8 sure Mr. Quinones will. But I'm talking about right
 9 now I'm trying to focus on one time period, all
 10 right? And that was the initial contact you had
 11 with Mr. Archuleta in the latter part of the ninth
 12 grade when he came into the boys' restroom.
 13 And my question was for that -- that time,
 14 all right, that time that he is communicating with
 15 the two of you, did he use any foul language?
 16 A. No.
 17 Q. And then you indicated in your answer to
 18 interrogatory he took you to the sophomore office
 19 under the guise of a search. And I would just like
 20 to know, again, I asked you a little bit what is the
 21 sophomore office.
 22 But then you describe, "George Archuleta
 23 touch and on felt DM penis and buttock." And again,
 24 I will refer to Mr. Quinones about those specifics.
 25 But what I want to focus here a little bit, you say,

Page 52

1 "No administrator was present." Is that still a
 2 correct statement?
 3 A. Yes, sir.
 4 Q. And is it your understanding of school
 5 policy that any time there is a search in
 6 particular, I'm just asking a pat down search, that
 7 there should be an administrator present in addition
 8 to the security guard?
 9 A. Yes. Yes.
 10 Q. Do you know if on that same occasion if he
 11 conducted a search also of -- of Joseph Salazar?
 12 A. No, he actually didn't search Joe that day
 13 from what I know of.
 14 Q. Okay. So that was the first search,
 15 correct?
 16 A. Yes, sir.
 17 Q. And then you described a second search in
 18 that same paragraph where you state, "In the latter
 19 part of DM's sophomore year George Archuleta told DM
 20 to come see him in the main office the next
 21 morning."
 22 Do you see that?
 23 A. Yes. So actually, that's where it mixed
 24 up. So -- so the second time was when I was
 25 actually walking to the bus because this was after

Page 53

1 school, after school hours.
 2 I was walking to the bus just -- just like
 3 anyone would. And I -- this girl starts running to
 4 me and gives me a colorful box. And I thought it
 5 was like -- I thought it was like a little box of
 6 gummies or something because it smelled good. I
 7 thought it was gummy bears or gummy worms or
 8 something, so I kept the box.
 9 And this other female that I do not know
 10 the name of, she started -- she started saying, what
 11 do I have, what do I have in my pocket? And George
 12 heard her -- heard her saying my name.
 13 And that's when George started pulling me,
 14 he came and pulled me up -- up into the front of the
 15 bus and searched me in front of everyone there.
 16 Q. All right. Well, I really appreciate you
 17 filling in that information. But we have to, as I
 18 say, unpack it a little bit because it's not here
 19 and some of this is new I think to myself and
 20 Mr. Quinones that we need to go over.
 21 And just so you know, he represents
 22 Mr. Archuleta and he will --
 23 A. Yeah, I know.
 24 Q. -- ask you a lot of questions about the
 25 searches. I need more of an overview and need to

14 (Pages 50 to 53)

D [REDACTED] M [REDACTED] - May 9, 2022

Examination by Mr. Walz

Page 78

1 So you told your parents when you got home about
2 what happened, right?
3 A. Yeah.
4 Q. And you told them this after they had
5 already learned from you during your freshman year
6 about the search by Mr. Archuleta where he is
7 claimed that he when he is doing his search touched
8 your penis, right?
9 A. Yeah.
10 Q. So they had that information from your
11 previous school year?
12 A. No. Well -- well, I told them what
13 happened but my parents didn't believe me. They
14 actually thought I was just actually being messed
15 up.
16 Q. Okay. Is that correct for the first
17 search that occurred your freshman year that they
18 didn't believe you?
19 A. Yes. Yes, sir.
20 Q. Okay. So you returned -- well, let me
21 also ask you this. There was no skin-to-skin
22 contact between you and Mr. Archuleta, was there?
23 A. No.
24 Q. I.e., he put his hand in your pants or
25 touched your genitalia?

Page 79

1 A. He put -- he put his hands in my pockets
2 when my pockets were empty.
3 Q. Okay. There is no hole in your pocket as
4 they say, right?
5 A. No.
6 Q. No skin-to-skin is what I'm asking.
7 A. No skin-to-skin. No hole in my pocket,
8 no.
9 Q. Okay. So -- all right. So you showed up
10 for school the following morning?
11 A. Uh-huh.
12 Q. Right?
13 A. Yep.
14 Q. Then what happens?
15 A. I -- I go to the office, George is waiting
16 there for me already. And -- and so we talk about
17 the incident that happened yesterday. I actually
18 told Mr. Baca the side of my story where this random
19 female that I don't even know the name of came up to
20 me and gave me a colorful box.
21 Q. Right.
22 A. And he -- he didn't believe me. So what
23 they actually had to do was they wrote me up for
24 having a vape on school property. And they searched
25 me again.

Page 80

1 When I had nothing on me, I already been
2 searched the day before. And that's -- that's when
3 the third incident of George harassing me, verbally
4 harassing me in front of Mr. Baca.
5 Q. Okay. Let me break it down so I'm on the
6 same incident with you. The first was at ninth
7 grade. The second incident was at the bus stop or
8 bus boarding area. And this is now the third,
9 right?
10 A. Yes, sir.
11 Q. All right. So you say they searched you.
12 Who are you defining or identifying as the "they"?
13 A. Mr. Baca and George.
14 Q. So did Mr. Baca touch you or lay hands on
15 you in any manner?
16 A. No, sir.
17 Q. Okay. So -- so you say they searched you.
18 Are you trying to infer at all that Mr. Baca touched
19 you, put his hands on you in any manner?
20 A. No, sir.
21 Q. And what is Mr. Baca's full name and
22 title?
23 A. I -- I don't know. All I know is his last
24 name, Baca.
25 Q. Okay. You don't know what position he

Page 81

1 held with the school district?
2 A. Oh. Position -- the position he held at
3 that time was sophomore principal.
4 Q. So you thought he was a sophomore
5 principal?
6 A. No, he was the sophomore principle.
7 Q. Okay. And we've already established
8 through prior testimony that Mr. Affentranger was
9 not at any of those searches; is that right?
10 A. No, sir.
11 Q. All right. So tell us what happened. How
12 did -- what happened in the search?
13 A. So -- so after Mr. Baca was discussing
14 with me what my punishment was and everything,
15 Mr. Baca told me I had to get searched again just
16 for school regulations he said.
17 And so -- so I got -- I got searched
18 again. George was feeling on my thighs, weirdly.
19 Puts his hands in my pockets again. And then he
20 goes for my wallet, pulls out -- pulls out a condom
21 of mine and then refers to me as a little guy.
22 Q. All right. So where was Mr. Baca?
23 A. Mr. Baca was sitting right at his desk.
24 And me and George, we were right in front of his
25 desk while I was being searched.

21 (Pages 78 to 81)

D ■■■■■ M ■■■■■ - May 9, 2022
Examination by Mr. Walz

Page 82

1 **Q. Okay. Was the search being conducted**
2 **where Mr. Baca was giving any kind of instructions**
3 **or making comments?**
4 A. No. No. The only time when -- when
5 Mr. Baca made a comment was when I told George
6 exactly, "Do not touch my dick." That's when
7 Mr. Baca told me to shut up.
8 **Q. Okay. So I'm trying to set the stage**
9 **here. How long did this search take for**
10 **Mr. Archuleta?**
11 A. Probably for about five minutes. I really
12 don't know.
13 **Q. Okay. And we can do this later or we**
14 **could sit here for five minutes and I think you**
15 **would find that to be a long time. Do you think it**
16 **was a five-minute search?**
17 A. Probably not then. No.
18 **Q. Okay. And did Mr. Archuleta tell you that**
19 **he was going to search you?**
20 A. Yeah.
21 **Q. Okay. Do you know what pat down is?**
22 A. Yeah.
23 **Q. Do you know if at times people can conceal**
24 **contraband in their pockets?**
25 A. Yeah.

Page 83

1 **Q. In their shoes?**
2 A. Yeah.
3 **Q. Socks?**
4 A. Yep.
5 **Q. Waistband?**
6 A. Yep.
7 **Q. Anything that's basically concealed from**
8 **vision because of an article of clothing or**
9 **someplace to store something out of sight, that can**
10 **be a place where such contraband can be stored.**
11 **Would you agree with that?**
12 A. Some ways, yes.
13 **Q. Okay. Now, did -- when Mr. Archuleta and**
14 **I think you said -- I'm sorry. When you told**
15 **Mr. Archuleta, I'm quoting you here, I think you**
16 **said, "Don't touch my dick," was he doing a pat down**
17 **at that time of your outer clothing or inner**
18 **clothing or what?**
19 A. Just right about he was -- he was about to
20 start my body search out of clothing.
21 **Q. Okay. So that would be exterior pat down**
22 **of your, what, your pants and thighs?**
23 A. Yeah. It was -- it was exterior until he
24 put his hands in my pockets when he seen my pockets
25 were empty.

Page 84

1 **Q. Okay. What -- had you turned your pockets**
2 **inside out or something?**
3 A. Yes, I did.
4 **Q. Okay. Now, when you told him, "Don't**
5 **touch my dick," had he already touched your -- your**
6 **penis at all?**
7 A. Yeah. Before the freshman year, that's
8 when he did it. Yeah. So that's why I told him
9 again, "Don't touch my dick."
10 **Q. That was the freshman year. Now, on this**
11 **search that you're now describing did he actually**
12 **ever touch your penis?**
13 A. Like skin-to-skin wise?
14 **Q. Well, you've already said there was no**
15 **skin-to-skin. But otherwise -- well, let me ask you**
16 **this. Did he touch your penis skin-to-skin on the**
17 **second search?**
18 A. No. No, second search.
19 **Q. Did he touch your penis at all on the**
20 **second search?**
21 A. Yes.
22 **Q. So when you made the comment, "Don't touch**
23 **my dick," was that before or after?**
24 A. That was before. And then -- and then
25 that's when Mr. Baca got mad at me.

Page 85

1 **Q. Did you think that that was appropriate**
2 **language?**
3 A. Well, you know, I don't know. It's a lot
4 going through that when you're worried -- when
5 you're worried about a security dude targeting you
6 every day, that's kind of hard.
7 **Q. Okay. Now, I have to unpack that a little**
8 **bit. When you say targeting you every day, how do**
9 **you know that?**
10 I think you already described a total of
11 one, two, four -- four total searches in almost
12 four years of being a student at Rio Rancho. Does
13 that seem to you that you were targeted every day?
14 A. Yes, because I could actually get into
15 detail about that.
16 **Q. I'm sorry. You could do what?**
17 A. I could actually get into detail about
18 that if you really want me to.
19 **Q. I might ask you to do that because I want**
20 **to know how many times you were pulled aside and**
21 **searched. And so maybe we can cut to the chase a**
22 **little bit here though.**
23 You describe in your sworn interrogatories
24 that you were searched four times.
25 A. Yeah.

22 (Pages 82 to 85)

D ■■■■■ M ■■■■■ - May 9, 2022
Examination by Mr. Walz

Page 98

1 A. Yeah. When it was still in the box.
2 Q. Okay. It was in the box. Who opened the
3 box?
4 A. George, again.
5 Q. And you pulled it out, you pulled out the
6 vape pen?
7 A. No, I didn't pull out the vape pen. I
8 never pulled out the vape pen out of the box.
9 Q. Let me read that sentence again and maybe
10 we can dissect it more. "Then security came and got
11 me and I pulled it out -- I pulled it out and it
12 happened to be a vape stick."
13 Do you think that that's unclear to you
14 what happened based on your own writing?
15 A. What do you mean by that? Unclear, what
16 do you mean?
17 Q. Do you think that what you wrote was
18 accurate at the time?
19 A. I don't know. I don't know. I was just a
20 sophomore regular kid going to school. I just -- I
21 did what any other student would do.
22 Q. Okay.
23 A. Like I'm actually kind of confused like
24 what -- what you're trying to ask.
25 Q. I'm asking if you did what you say you did

Page 99

1 in the voluntary statement. That security came and
2 got you and then, quote, "I pulled it out and it
3 happened to be a vape stick that wasn't out the
4 package." Those are your words, not mine.
5 A. So the vape wasn't out the package. But
6 George is the one who identified the box as a vape
7 inside it.
8 Q. Okay. Even though you would agree that
9 this statement doesn't say anything about George
10 opening the box or pulling anything out of the box,
11 does it?
12 A. No.
13 Q. Where did you write that statement at?
14 A. I wrote it in one of the school offices.
15 Q. After the encounter there at the bus, bus
16 pickup and dropoff area or what? I'm sorry, D ■■■■■.
17 It has a date of 3-5-2020. Does that sound right to
18 you?
19 A. I don't know.
20 Q. Okay.
21 MR. WALZ: Thank you, Mr. Quinones. And
22 again, that's Exhibit 2.
23 Q. (By Mr. Walz) All right. So trying to
24 clarify to a degree the best that we can and I
25 probably can look at Interrogatory Number 2 and

Page 100

1 Number 7 that also talks to a degree about the
2 searches.
3 It appears and please, D ■■■■■, correct me
4 on this if I say something that you think is
5 different.
6 A. Okay.
7 Q. The first search was the latter part of
8 the ninth grade. We all agree to that, right?
9 A. Yes, sir.
10 Q. And that was -- that was connected to the
11 boys' restroom fight?
12 A. Yes, sir.
13 Q. Okay. Great. Then the additional
14 searches that are -- comprise your claims against
15 Mr. Archuleta and the school district, all the
16 additional three searches occurred during your
17 sophomore year; is that correct?
18 A. Yes, sir.
19 Q. And then after your sophomore year you had
20 no more encounterers at all with any --
21 Mr. Archuleta or any other security personnel?
22 A. No. Because after the sophomore year
23 George had -- George had left Cleveland.
24 Q. All right. And then the only search where
25 there was an administrator present, the way I'm

Page 101

1 understanding it, was after the bus dropoff and
2 pickup search that you reported the next morning as
3 requested by Mr. Archuleta and that you went to an
4 administrator's office where Mr. Baca was present;
5 is that right?
6 A. Yes.
7 Q. Okay. So that's the -- that's basically
8 the third search if we count the bus dropoff search;
9 is that right?
10 A. Yes, sir.
11 Q. And at the bus dropoff search
12 Mr. Archuleta did not touch your genitalia in any
13 manner, did he?
14 A. No.
15 Q. Okay. And so then the third search, the
16 only one attended by an administrator for the school
17 district or an employee, is the one where Mr. Baca
18 was present. And you've described that as a search
19 where you told Mr. Archuleta, quote, not to touch
20 your dick. Is that right? That was the third
21 search?
22 A. The third search. The freshman year, bus
23 parking lot, third search. I'm sorry. Just give me
24 a minute to remember.
25 Q. Take your time.

26 (Pages 98 to 101)

D ■■■■■ M ■■■■■ - May 9, 2022
Examination by Mr. Walz

Page 102

1 A. So -- so freshman year, first time. Bus
2 parking lot, second time. Correct?
3 Q. There's two.
4 A. And then the third time is the next day.
5 Q. Right.
6 A. When he searched me in front of Mr. Baca.
7 Q. Okay. And then we get to the fourth also
8 so I get everything included the third time, that's
9 the time that he reached in your pockets and you
10 said he felt your penis?
11 A. Yeah.
12 Q. That's when he pulled out your wallet,
13 pulled a condom out of your wallet and from your
14 answer to interrogatory he said, quote, "You're a
15 little guy," end of quote.
16 A. Yes, sir.
17 Q. Now we got three. One more, and I cannot
18 really tell and I'm sorry. And as you said these
19 answers were not how you maybe gave the information.
20 But when was the fourth search?
21 A. Okay. Hold on now. I'm mixed up. Hold
22 on real quick. Freshmen year, sophomore year, bus
23 lot. All right. We got mixed up. Hold on. We got
24 mixed up. Hold on. Okay. We actually missed
25 something.

Page 104

1 right?
2 A. Yes, sir.
3 Q. And then he, from what I just heard you
4 say, he took you down to where the principal's
5 office would be. And did he search you again there?
6 A. Yeah. In the nurse's office, yes.
7 Because the nurse's office is like -- is like right
8 next to the principal's office.
9 Q. So again we're clear, Mr. Affentranger nor
10 any administrator was present for that; is that
11 right?
12 A. No, sir.
13 Q. And then you said you went through a metal
14 detector. Was it in fact a wand? Was it a wand?
15 A. Yeah, a wand.
16 Q. Okay. Who did that?
17 A. The school -- the school cop did.
18 Q. An actual police officer?
19 A. Yes, sir.
20 Q. Do you know the school cop's name?
21 A. I -- I do not.
22 Q. Okay. But he didn't touch you at all; he
23 just ran the wand over you?
24 A. Yeah. He just -- he just waved the wand
25 over me.

Page 103

1 Q. Okay. Which one did we miss?
2 A. So -- so freshman year, back to freshman.
3 I'm sorry about this. So freshman year. So
4 after -- after he searched me the first time by
5 himself he -- he actually took me down to the main
6 office where -- where the main principal would be at
7 around there.
8 And -- and when I was in the -- when I was
9 in the nurse's office they searched me again also
10 using a metal detector to search me.
11 And I had nothing on me. And so -- and so
12 George decided to pat me down again and put his
13 hands in my pockets and that's when he touched my
14 penis again. That -- that was the one thing we
15 forgot to talk about.
16 Q. Okay. Well, thank you. Having reviewed
17 these yourself, can you see my confusion, why it's
18 hard to tell when searches happened?
19 A. Yes, sir.
20 Q. Okay. So and thank you. That helps me
21 understand. So connected with the boys' bathroom
22 fight what I'm hearing now --
23 A. Yes.
24 Q. -- Mr. Archuleta took you to the second
25 floor sophomore office, searched you at that time,

Page 105

1 Q. And then from what I'm understanding,
2 Mr. Archuleta didn't perform yet another search.
3 Was he in the nurse's office?
4 A. Yes.
5 Q. And was the nurse present when he did
6 that?
7 A. No, sir.
8 Q. Did he tell you why he was searching you
9 again?
10 A. No.
11 Q. And he -- he found nothing, right?
12 A. No.
13 Q. All right. So then let me ask you. Which
14 search was it that Mr. Baca was at? Of these
15 searches you've described, which one was he present
16 for?
17 A. The search that Mr. Baca was present for
18 was when George referred me as -- as a little guy.
19 Q. Right. But was that in connection with
20 what activity that Mr. Archuleta took you to be
21 searched? That wasn't the boys' restroom fight,
22 right?
23 A. No. No. This is -- this is the day after
24 the bus lot incident.
25 Q. Okay. So all of the other searches then,

27 (Pages 102 to 105)

D [REDACTED] M [REDACTED] - May 9, 2022
Examination by Mr. Quinones

Page 190

1 office that day, more or less?
2 A. I -- I don't remember.
3 Q. When Mr. Archuleta touched you
4 inappropriately as you said, you're saying he
5 touched you in your genitals in Mr. Baca's office?
6 A. Yes, sir.
7 Q. And on that occasion specifically where?
8 A. My penis.
9 Q. Okay. The tip of your penis?
10 A. Yes, sir.
11 Q. When he did that, did you yell or scream?
12 A. No.
13 Q. Physically resist?
14 A. No.
15 Q. Say anything to Mr. Archuleta or Mr. Baca
16 in response?
17 A. No.
18 Q. But you did say -- well, let me back up.
19 Why didn't you physically resist?
20 A. Because I was shocked. I didn't know what
21 to do.
22 Q. Well, this wasn't the first time you were
23 touched inappropriately by Mr. Archuleta, right?
24 A. I'm sorry. So what are you trying to ask?
25 Q. Well, it's my understanding from earlier

Page 191

1 questioning that the first time you were searched by
2 Mr. Archuleta inappropriately was during your
3 freshman year?
4 A. Yes, sir.
5 Q. But this incident in Mr. Baca's office,
6 this was your sophomore year, correct?
7 A. Yes, sir.
8 Q. So if Mr. Archuleta had already touched
9 you inappropriately the prior school year, why did
10 you not physically resist when he touched you
11 inappropriately in Mr. Baca's office?
12 A. Because I once again, I was scared. I --
13 I didn't know it was going to happen to me again.
14 I -- it just -- it just shocked me. It just left my
15 mind blank.
16 Q. But you told Mr. Baca, didn't you, that
17 Mr. Archuleta had touched you, as you said, touched
18 your dick, before?
19 MR. BULLION: Form, foundation.
20 A. No, I don't come to remember -- remember
21 for that.
22 Q. (By Mr. Quinones) Okay. Let's see what I
23 have in my notes here. Yeah. I thought you
24 testified earlier you told Mr. Baca something along
25 the lines of Mr. Archuleta had touched your privates

Page 192

1 before.
2 A. I've never addressed to Mr. Baca that
3 George has touched my dick. The only thing that --
4 that I've said in front of Mr. Baca to George was
5 when I told George not to touch my dick.
6 Q. And Mr. Baca told you to be quiet?
7 A. Yes, sir. That was the time.
8 Q. So you mentioned in front of Mr. Baca you
9 didn't want George Archuleta to touch your dick?
10 A. Yeah. I didn't say it like that. I
11 just -- I just told George directly, "Don't touch my
12 dick."
13 Q. Okay. And when he started touching you
14 inappropriately in Mr. Baca's office you didn't move
15 your leg or try to block him with your arms?
16 A. No, because he had me spread my legs and
17 my arms.
18 Q. Well, you could still move, couldn't you?
19 A. Well, not -- well, not if the man is
20 touching me and all of that. I don't want -- I
21 don't want him to think I'm trying to run away and
22 have him tackle me.
23 Q. And when he was touching you
24 inappropriately in Mr. Baca's office, couldn't you
25 have told Mr. Baca, "Hey. He's touching my

Page 193

1 genitals"?
2 A. No.
3 Q. Why not?
4 A. Because he is the type of person to not
5 believe students.
6 Q. Who is "he"?
7 A. Mr. Baca.
8 Q. Did you -- I think Mr. Walz may have asked
9 you this. But this incident in Mr. Baca's office,
10 did you or did you not report that to your parents?
11 A. No.
12 Q. Report it to any school staff member like
13 a counselor?
14 A. No, sir.
15 Q. Do you have a social worker when you were
16 attending Cleveland High School as a sophomore?
17 A. You know, actually, I -- I don't know.
18 Q. Okay. That's fair. Okay. You testified
19 earlier and I think this came up in the
20 interrogatory answer so let me see if I could pull
21 that up real quick. And I believe this was
22 Exhibit 1 to your deposition.
23 Do you see a document on the screen?
24 A. Yes.
25 Q. Okay. Let me see if I could get to where

49 (Pages 190 to 193)

D ■■■■■ M ■■■■■ - May 9, 2022
Examination by Mr. Quinones

Page 194

1 I need to be.
2 Do you see the cursor dancing on this
3 paragraph?
4 A. Yes, sir.
5 Q. And right there it says, "DM" and that's
6 you, "was continually searched without cause and was
7 touched by George Archuleta on DM penis and buttocks
8 as a form of unnecessary punishment."
9 Let me stop there. When did Mr. Archuleta
10 ever touch your buttocks?
11 A. At that time.
12 Q. At what time?
13 A. At the time -- at the time when he
14 searched me in Mr. Baca's office.
15 Q. Okay. So he touched both your buttocks
16 and your penis?
17 A. Yes, sir.
18 Q. And again, did you not physically resist?
19 A. No, sir.
20 Q. You didn't yell or scream in surprise?
21 A. No, sir.
22 Q. And that it says -- let me ask you this.
23 Other than that occasion in Mr. Baca's office, had
24 Mr. Archuleta ever touched your buttocks at any
25 other time?

Page 195

1 A. I'm sorry. Can you ask that again?
2 Q. Other than this incident in Mr. Baca's
3 office, did Mr. Archuleta ever touch your buttocks
4 on any other occasion?
5 A. Yes.
6 Q. When?
7 A. The first time, in freshman year.
8 Q. I have this in my notes. This was when
9 you were fighting with Joseph Salazar in bathroom?
10 A. Yes, sir.
11 Q. And where did Mr. Archuleta touch your
12 buttocks? In the bathroom?
13 A. No, in the -- in the sophomore office when
14 he took me upstairs.
15 Q. Okay. So if I understand your testimony,
16 this in the bathroom Mr. Archuleta did not search
17 you in the bathroom, but then you were taken to a
18 second floor office and that's where you were
19 searched?
20 A. Yes. The sophomore office.
21 Q. Okay. That sophomore office, is that on
22 the second floor?
23 A. Yes, sir.
24 Q. Any windows in that office?
25 A. No, sir.

Page 196

1 Q. Are you sure about that?
2 A. Yeah. Well, yeah, I'm sure. Because
3 there is an office inside of a office, if you get
4 what I'm saying.
5 Q. If someone is walking outside of the
6 office where you were searched could they see
7 inside?
8 A. No, sir.
9 Q. And you're sure about that?
10 A. I'm really sure.
11 Q. Isn't it true that the ten grade office on
12 the second floor is right next door to Mr. Baca's
13 office?
14 A. Mr. Baca's office is in the tenth grade
15 office.
16 Q. Explain.
17 A. So -- so let's just say there's a big
18 office. And then in the office is smaller offices.
19 Do you see what I'm saying?
20 Q. And where was -- Mr. Baca's office is one
21 of these smaller offices?
22 A. Yeah. So -- so when you would walk in on
23 your left side there would be two counselor rooms
24 right there. And then on the left corner, that's
25 where Mr. Baca's office would be.

Page 197

1 Q. About how far is Mr. Baca's office from
2 the office where you were searched?
3 A. Well, it was directly -- it was directly
4 on top of me where I was at.
5 Q. And was Mr. Baca's office on the second
6 floor?
7 A. Yes.
8 Q. Was it right next door to this office
9 where you were searched?
10 A. Once again, his office is in the office.
11 Q. I don't want to get into detail discussion
12 of these offices. I suppose I could go see them
13 myself. But I wanted to gain your understanding of
14 it. Let me go on for the sake of time.
15 MR. BULLION: I'm sorry to interrupt. Can
16 I take a 30-second break? My wife is blowing up my
17 phone.
18 MR. QUINONES: Yeah. Let's go ahead.
19 It's 4:28. Let's go two minutes.
20 MR. BULLION: Thanks.
21 Q. (By Mr. Quinones) So Daniel, I'm going
22 through part of your answer in Interrogatory
23 Number 7. Want to ask you about this sentence where
24 I have the cursor going. Do you see that on the
25 screen?

50 (Pages 194 to 197)

D [REDACTED] M [REDACTED] - May 9, 2022
Examination by Mr. Quinones

<p style="text-align: right;">Page 202</p> <p>1 Q. When Mr. Archuleta -- and when you say 2 attitude back, would you guys tell him something? 3 Do you recall what you would tell him? 4 A. Yeah. Like -- like we would tell him to 5 chill out, like to back off. He actually -- he 6 actually didn't do anything. He didn't have a 7 reason. 8 Q. Okay. You would just tell him back off or 9 chill out? 10 A. Yeah. 11 Q. Anything else? 12 A. No, sir. 13 Q. Okay. When Mr. Archuleta would make these 14 comments to threaten searching you, was he ever 15 accompanied on those occasions by any other security 16 officer? 17 A. No, not that I remember. No, sir. 18 Q. When Mr. Archuleta first searched you your 19 freshman year, that started when he came into the 20 bathroom and you and Mr. S [REDACTED] were fighting. Was 21 Mr. Archuleta accompanied by any other security 22 guard on that occasion? 23 A. No, once again. 24 Q. After the fight in the bathroom, did 25 Mr. Archuleta take both you and J [REDACTED] S [REDACTED] to</p>	<p style="text-align: right;">Page 204</p> <p>1 Mr. Archuleta. One the freshman year and three your 2 sophomore year. Does that sound right? 3 A. You said one freshman, three sophomore? 4 Q. Yes. That's what I wrote down from your 5 earlier testimony. 6 A. Yeah. 7 Q. Okay. And then this incident where Ron 8 the security guard came in and overheard you telling 9 Mr. Archuleta, "That's my dick," where did that 10 search take place? 11 A. It took place in the sophomore office. 12 Q. Okay. And Ron just came in kind of after 13 the fact; in other words, when the search was 14 starting and you got touched on your penis? 15 A. Yes, sir. 16 Q. Okay. On any of the occasions Mr. -- 17 besides the one with Mr. Baca present, on the other 18 occasions -- well, let me back up and clear that up 19 a little bit. 20 Other than the time with Mr. Baca in 21 Baca's office and this time Ron came into the room 22 during a search, during the other searches of your 23 person by Mr. Archuleta was anyone else present? 24 A. No, sir. 25 Q. Are Cleveland High School students allowed</p>
<p style="text-align: right;">Page 203</p> <p>1 the principal's office or just you? 2 A. Just me. 3 Q. But Mr. S [REDACTED] was in bathroom when 4 Mr. Archuleta first entered it? 5 A. Yes, sir. 6 Q. Was Mr. S [REDACTED] injured in any way from 7 your fight with him? 8 A. No, sir. 9 Q. The next time you were searched by 10 Mr. Archuleta, the second time was in Mr. Baca's 11 office? 12 A. You said the second time? 13 Q. Yeah. I'm trying to get it straight in my 14 head. Was the second time in Mr. Baca's office? 15 A. I'm trying to -- hold on. I'm trying to 16 think. So freshman year that happened then -- so 17 those were the first two incidents. 18 Q. Right. What I heard you say -- 19 A. Okay. Hold on. I just had a -- I 20 remember what happened. So the first search 21 happened when he took me up to the office. And then 22 the second search happened when he took me down to 23 the other office. 24 Q. Okay. And again, I wrote down there were 25 four searches total of D [REDACTED] M [REDACTED] by</p>	<p style="text-align: right;">Page 205</p> <p>1 to have their cell phones on there person while they 2 attend school? 3 A. Yes, sir. 4 Q. At any point did you ever videotape, let's 5 start with this. Ever videotape Mr. Archuleta 6 giving -- harassing you and your friend in the 7 hallway? 8 A. No, sir. 9 Q. To your knowledge, did your friend Laius 10 ever record Mr. Archuleta harassing you guys in the 11 hallway? 12 A. I'm sorry. The mic was going out. 13 Q. Yeah. To your knowledge, did I [REDACTED] 14 M [REDACTED] ever -- 15 A. Oh, I [REDACTED]? 16 Q. I [REDACTED] ever record Mr. Archuleta harassing 17 you guys in the hallway? 18 A. No, sir. 19 Q. I think we've gone over this part here. 20 Well, let me go back. Did you ever report that 21 Mr. Archuleta was repeatedly threatening you on an 22 almost daily basis? Let's start with school 23 administration? 24 A. Yes. 25 Q. Who did you report this repeated threats</p>

52 (Pages 202 to 205)

D [REDACTED] M [REDACTED] - May 9, 2022
Examination by Mr. Quinones

Page 206

1 to?
2 A. Oh. No. Okay. No. I heard your
3 question different then. No, I haven't reported it.
4 Q. Okay. And I was breaking it down. Did
5 you ever report Mr. Baca repeatedly threatening you
6 on a daily basis to any school administrator like a
7 principal?
8 A. No, sir.
9 Q. To a school counselor?
10 A. No, sir.
11 Q. To a school nurse?
12 A. No, sir.
13 Q. To a school social worker?
14 A. No, sir.
15 Q. To the head of security?
16 A. No, sir.
17 Q. To police?
18 A. No, sir.
19 Q. To your parents?
20 A. No, sir.
21 Q. So his repeated daily threats, you just
22 kept that to yourself?
23 A. Yeah. Until I've -- until I've gone up to
24 my father and -- and I actually told him, "This is
25 what happened to me."

Page 207

1 Q. When did you first tell your father about
2 that?
3 A. I don't know. A long time ago.
4 Q. What grade in school were you in when you
5 first told your father?
6 A. Tenth grade.
7 Q. Your sophomore year?
8 A. Yes, sir.
9 Q. And the tenth grade principal, your
10 sophomore year, that was Mr. Baca?
11 A. Yes, sir.
12 Q. Was he also your principal for your
13 freshman class?
14 A. Yes, sir.
15 Q. Other than the time you were at the
16 nurse's office for that black eye, were you ever
17 seen by the school nurse at Cleveland High School on
18 any other occasion?
19 A. No, sir.
20 Q. Your marijuana use, you say you started
21 doing that in what grade?
22 A. Sophomore year.
23 Q. And has that continued to the present?
24 A. Yes, sir.
25 Q. And you testified you smoke marijuana

Page 208

1 about once a week?
2 A. Yes, sir.
3 Q. And where do you smoke it?
4 A. I smoke it at my house.
5 Q. Indoors?
6 A. Yes, sir.
7 Q. Is that with your parents' consent?
8 A. No.
9 Q. You have your own room at home?
10 A. Yes.
11 Q. Do you ever invite friends over to your
12 house to smoke marijuana?
13 A. No sir. Just me.
14 MR. QUINONES: All right. Give me about
15 two minutes so I can look at my notes, please.
16 MR. BULLION: Sure thing. Thank you.
17 (A recess was taken.)
18 Q. (By Mr. Quinones) I want to share screen
19 again with you, Daniel. Do you see a document on
20 the screen?
21 A. Yes, sir.
22 Q. I want to ask you a little bit about your
23 answer to Interrogatory Number -- see where I can
24 find that. Answer to Interrogatory Number 22. And
25 here you were asked, "Please identify by name and

Page 209

1 contact information all students, administrators,
2 staff and so forth, who witnessed George Archuleta
3 quote, 'verbally harass and demean DM during the
4 school day.'
5 Answer: "Laius Martinez and Joseph
6 Salazar both witnessed George Archuleta" and then
7 there's three bullet points. The first one says,
8 "Grooming DM by calling him hito instead of by his
9 legal name." Hito, what does that mean to you?
10 A. Like -- like you're an uncle and like you
11 have your nephew and you call him hito. That's how
12 I look at it.
13 Q. Other than Mr. Archuleta has anyone else
14 in your lifetime ever called you hito?
15 A. No.
16 Q. And how did you gain understanding of what
17 hito meant?
18 A. Because of -- because of Spanish movies I
19 watched before. I mean, I watch George Lopez.
20 That's where I learned it.
21 Q. He uses that word often. So this word
22 hito, and I'm just asking your understanding, is it
23 a term that's used like to show you care about
24 someone younger than you?
25 A. I -- I don't know about that. I don't

53 (Pages 206 to 209)